

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Dental Care Pet Food**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed

Earliest Foreign Application(s), If Any, Filed Prior To The Filing Date Of The Application			
Application Number	Country	Date of filing (day, month, year)	Priority Claimed Under 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application serial no.	Filing Date	Status		
		Patented	Pending	Abandoned

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/062,090	14 October 1997

And I hereby appoint Messrs. John D. Simpson (Registration No. 19,842), Lewis T. Steadman (17,074), Dennis A. Gross (24,410), Robert M. Barrett, (30,142) Steven H. Noll (28,982), Kevin W. Guynn (29,927), Robert M. Ward (26,517), Brett A. Valiquet (27,841), Edward A. Lehman (22,312), David R. Metzger (32,919), James D. Hobart (24,149), Melvin A. Robinson (31,870), John R. Garrett (27,888), Brian M. Mattson (35,018), Paula J. Kelly (37,624), John W. Cornell (30,619), Robert J. Depke (37,607), Joseph P. Reagen (35,332), Michael R. Hull (35,902), Michael S. Leonard (37,557) and Marvin Moody (16,549) all members of the firm of Hill & Simpson, A Professional Corporation

Telephone: 312/876-0200 Ext. _____

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Hill & Simpson
A Professional Corporation
85th Floor Sears Tower, Chicago, Illinois 60606

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR	LAST NAME CUPP	FIRST NAME Carolyn	MIDDLE NAME Jean
RESIDENCE & CITIZENSHIP	CITY Liberty	STATE OR FOREIGN COUNTRY Missouri	COUNTRY OF CITIZENSHIP USA
POST OFFICE ADDRESS	STREET 811 Adams Drive	CITY Liberty	STATE OR COUNTRY Missouri
SIGNATURE	8/25/98		64068
FULL NAME OF INVENTOR	LAST NAME GERHEART	FIRST NAME Lynn	MIDDLE NAME Ann
RESIDENCE & CITIZENSHIP	CITY Smithville	STATE OR FOREIGN COUNTRY Missouri	COUNTRY OF CITIZENSHIP USA
POST OFFICE ADDRESS	STREET 7825 Buckwood Drive	CITY Smithville	STATE OR COUNTRY Missouri
SIGNATURE	8/25/98		64089
FULL NAME OF INVENTOR	LAST NAME SCHNELL	FIRST NAME Scott	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY St. Joseph	STATE OR FOREIGN COUNTRY Missouri	COUNTRY OF CITIZENSHIP USA
POST OFFICE ADDRESS	STREET 4809 Woodfield Drive	CITY St Joseph	STATE OR COUNTRY Missouri
SIGNATURE	8/14/98		64506

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FULL NAME OF INVENTOR	LAST NAME SMITHEY	FIRST NAME Sheri	MIDDLE NAME Lynn	
RESIDENCE & CITIZENSHIP	CITY St. Joseph	STATE OR FOREIGN COUNTRY Missouri	COUNTRY OF CITIZENSHIP USA	
POST OFFICE ADDRESS	STREET 208 S. 31 st Street	CITY St. Joseph	STATE OR COUNTRY Missouri	ZIP CODE 64501
SIGNATURE	<i>Sheri L Smithey</i>		DATE 8-25-98	
FULL NAME OF INVENTOR	LAST NAME ANDERSON	FIRST NAME Donna	MIDDLE NAME Elizabeth	
RESIDENCE & CITIZENSHIP	CITY Weatherby Lake	STATE OR FOREIGN COUNTRY Missouri	COUNTRY OF CITIZENSHIP USA	
POST OFFICE ADDRESS	STREET 4402 1402 NW Eastside Drive	CITY Weatherby Lake	STATE OR COUNTRY Missouri	ZIP CODE 64152
SIGNATURE	<i>Donna Elizabeth Anderson</i>		DATE 8/27/98	

Sworn to before me
this 27th day of August, 1998
Adrienne J. Renton



ASSIGNMENT

WHEREAS, WE, **Carolyn Jean CUPP**, a US citizen, of 811 Adams Drive Liberty, Missouri 64068, U.S.A.; **Lynn Ann GERHEART**, a US citizen, of 7825 Buckwood Drive, Smithville, Missouri 64089, U.S.A.; **Scott SCHNELL**, a US citizen, of 4809 Woodfield Drive, St Joseph, Missouri 64506, U.S.A.; **Sheri Lynn SMITHEY**, a US citizen, of 208 S. 31st Street, St Joseph, Missouri 64506, U.S.A.; **Donna Elizabeth ANDERSON**, a US citizen, of 1702 NW Eastside Drive, Weatherby Lake, Missouri 64152, U.S.A.; ASSIGNORS, are the inventors of the invention in

Dental Care Pet Food

for which we have we have a provisional patent application on 14 October 1997, number 60/062,090, and for which we have executed an application for a Patent of the United States on

8/25 1998 (Carolyn Jean CUPP), 8/25 1998 (Lynn Ann GERHEART)
8/14 1998 (Scott Schnell), 8/25 1998 (Sheri Lynn SMITHEY), and
8/27/9 1998 (Donna Elizabeth ANDERSON),

and which is identified by docket no NO5637/US/NP1 of Nestec S.A.,

and WHEREAS, **Nestec S.A., a Swiss Company**, ASSIGNEE having a place of business at **Avenue Nestlé 55, CH-1800 Vevey, Switzerland** is desirous of obtaining the entire right, title and interest in, to and under the invention and the applications:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the invention, and the United States applications and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from the United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property

protection on applications as aforesaid, to issue the same to the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY further covenant and agree that we will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting the invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for the invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 8/25, 1998 Carolyn J. Cupp LS
Carolyn Jean CUPP

Date 8/25, 1998 Lynn Ann Gerheart LS
Lynn Ann GERHEART

Date 8/25, 1998 Scott B. Schnell LS
Scott SCHNELL

Date 8/25, 1998 Sheri Lynn Smitley LS
Sheri Lynn SMITHEY

Date 8/27/98, 1998 Donna Elizabeth Anderson LS
Donna Elizabeth ANDERSON

Sworn to before me
this 27th day of August, 1998
Adrienne J. Renton

